

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I (we) hereby declare that my (our) residence, post office address and citizenship are as stated below next to my (our) name; I (we) believe that I am (we are) the original, first and sole inventor(s) (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention (Design, if applicable) entitled: ENHANCED OPTICAL FAST FREQUENCY HOPPING-CDMA BY MEANS OF OVER SPREADING AND INTERLEAVING

the specification of which (check one): ☐ is attached hereto; ☒ was filed on 25 MARCH 2005 as application serial No. 10/529,229 and was amended on (or amended through) _____ (if applicable); ☒ was filed on 24 SEPTEMBER 2003 as International Application (PCT) No. PCT/CA03/01460 and amended on _____ (if applicable). I (we) hereby state that I (we) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I (we) acknowledge the duty to disclose information known by me (us) to be material to the patentability of my (our) invention in accordance with Title 37, Code of Federal Regulations, § 1.56(a). I (we) hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application which priority is claimed.

I (We) hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application which priority is claimed.

| Prior Foreign Application(s) | | | Priority Claimed | |
|------------------------------|-----------|------------------------|---------------------------------|--------------------------------|
| (Number) | (Country) | (Day/Month/Year Filed) | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| | | | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

I (we) hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I (we) acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior art application and the national or PCT international filing date of this application:

| | | |
|-------------------|--------------------------|---|
| <u>60/413,134</u> | <u>25 SEPTEMBER 2002</u> | <u>Abandoned</u> |
| (Appl. No.) | (Filing date) | (Status – Patented, Pending or Abandoned) |
| (Appl. No.) | (Filing date) | (Status – Patented, Pending or Abandoned) |

I (we) hereby declare that all statements made herein of my (our) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: I (we) hereby appoint the attorneys associated with the following customer number, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send correspondence to:

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| | |
|--|---|
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| State or Country Zip (Québec) CANADA G1V 4T8 | State or Country Zip (Québec) CANADA G1V 4T8 |
| Date 27-06-2005 | Signature |

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| | |
|---|---|
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| Date 25 May 2005 | Signature <i>K. Foul</i> |

Applicant or Patentee: Habib FATHALLAH et al.

Serial or Patent No.: 10/529,229

No.:

Filed or Issued: 25 March 2005

For: ENHANCED OPTICAL FAST FREQUENCY HOPPING-CDMA BY MEANS OF OVER SPREADING AND INTERLEAVING

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: ACCESSPHOTONIC NETWORKS INC.

ADDRESS OF CONCERN: 2740 rue Einstein, Bureau 723, Sainte-Foy (Québec) G1P 4S4 CANADA

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.1301 through 121.1305, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under sections 41 (a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled ENHANCED OPTICAL FAST FREQUENCY HOPPING-CDMA BY MEANS OF OVER SPREADING AND INTERLEAVING by inventor(s) Habib FATHALLAH et al. described in:

☐ the specification filed herewith

☒ application serial No. 10/529,229 filed on 25 MARCH 2005

☐ patent No. _____ issued on _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NON-PROFIT ORGANIZATION

☐ See attached sheet for additional person(s), concern(s) or organization(s)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willfull false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Habib Fathallah

TITLE OF PERSON OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING 800-113, DeVilliers, Ste-Foy, Québec G1V4T8

SIGNATURE 

DATE: 26-06-2005